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9 Attorneys for Counterclaim Defendant
10 MARKEL AMERICAN INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 LENSRAFTERS, INC.; and EYEXAM OF
14 CALIFORNIA, INC.,

15 Plaintiffs,

16 vs.

17 LIBERTY MUTUAL FIRE INSURANCE
18 COMPANY; EXECUTIVE RISK
19 SPECIALTY INSURANCE COMPANY;
20 UNITED STATES FIRE INSURANCE
21 COMPANY; MARKEL AMERICAN
22 INSURANCE COMPANY; and
23 WESTCHESTER FIRE INSURANCE
24 COMPANY,

25 Defendants.

26 AND RELATED CROSS ACTIONS

CASE No. CV-07-2853 SBA

**STIPULATION TO DISMISS,
WITHOUT PREJUDICE,
COUNTERCLAIM OF UNITED STATES
FIRE INSURANCE COMPANY**

27 Defendant and Counter-Claimant United States Fire Insurance Company ("U.S. Fire")
28 and Counterclaim Defendant Markel American Insurance Company ("Markel") stipulate and
agree as follows:

WHEREAS, on July 31, 2008, Defendant and Counter-Claimant United States Fire
Insurance Company ("U.S. Fire") filed an Answer and Counterclaim responding to the
Counterclaim of Defendant and Counter-Claimant Markel American Insurance Company
("Markel");

1 WHEREAS, U.S. Fire and Markel have reached a Tolling Agreement regarding the
2 claims made in U.S. Fire's Counterclaim, in which U.S. Fire agreed to dismiss, without
3 prejudice, its Counterclaim against Markel;

4 NOW THEREFORE, U.S. Fire and Markel stipulate that U.S. Fire may and hereby does
5 dismiss its Counterclaim against Markel, without prejudice.

6 Dated: November 4, 2008

LONG & LEVIT LLP

7
8 By /s/
9 CHIP COX
10 Attorneys for Counterclaim Defendant
MARKEL AMERICAN
INSURANCE COMPANY

11 DATED: November 4, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

12
13 By /s/
14 DAVID A. GABIANELLI
15 Attorneys for Defendant and Counter-
16 Claimant UNITED STATES FIRE
INSURANCE COMPANY
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ORDER

For good cause, IT IS HEREBY ORDERED that United States Fire Insurance Company's Counterclaim against Markel American Insurance Company is hereby dismissed without prejudice.

DATED: 11/13/08


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge

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